

**CHAPTER 46 MEDICINE**

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**4600 GENERAL PROVISIONS**

- 4600.1 This chapter shall apply to applicants for and holders of a license to practice medicine.
- 4600.2 Chapters 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) of this title shall supplement this chapter.
- 4600.3 Notwithstanding anything in chapter 40 to the contrary, the Board shall only accept applications for licensure by one of the following means:
- (a) National examination;
  - (b) Waiver of national examination;
  - (c) Reactivation of an inactive license; or
  - (d) Reinstatement of an expired, suspended, or revoked license.
- 4600.4 An applicant shall establish to the Board's satisfaction that the applicant possesses appropriate skills, knowledge, judgment, and character to practice medicine.
- 4600.5 An applicant shall demonstrate to the satisfaction of the Board that the applicant is proficient in understanding and communicating medical concepts and information in English.
- 4600.6 An applicant shall arrange to have submitted directly to the Board three (3) letters of reference from licensed physicians, in good standing in a jurisdiction of the United

States, who have personal knowledge of the applicant's abilities and qualifications to practice medicine.

4600.7 An applicant who completed the postgraduate clinical training requirement of §4602.4 or §4603.5 no more than three (3) years prior to the date of the application shall meet the requirements of §4600.6 by submitting at least two (2) out of three (3) letters of reference from the following:

- (a) The director of the applicant's postgraduate clinical training program; and
- (b) A licensed physician who supervised the applicant's practice of medicine in a postgraduate clinical program.

4600.8 An applicant who holds a license in another jurisdiction shall not be eligible for a license if one of the following applies:

- (a) The applicant has surrendered a license in another jurisdiction while a disciplinary action was pending and has not been restored to licensure in that jurisdiction;
- (b) The applicant has pending disciplinary or criminal charges for violation of any felony statute or any law regulating medicine or controlled substances;
- (c) The applicant has engaged in conduct that would be grounds for disciplinary action under §514(a) of the Act, D.C. Code §2-3305.14 (1987 Supp.); or
- (d) The applicant is not in good standing in a jurisdiction in which the applicant holds a license.

**AUTHORITY:** Unless otherwise noted, the authority for this chapter is §302(14) of the District of Columbia Health Occupations Revision Act of 1985, D.C. Law 6-99, D.C. Code §2-3303.2(14) (1988 Repl. Vol.), 33 DCR 729, 732 (February 7, 1986), and Mayor's Order 86-110, 33 DCR 5220 (August 22, 1986).

**SOURCE:** Final Rulemaking published at 35 DCR 5999 (August 5, 1988).

## 4601 TERM OF LICENSE

4601.1 Subject to §4601.2, a license issued pursuant to this chapter shall expire at 12:00 midnight of December 31 of each even-numbered year.

4601.2 If the Director changes the renewal system pursuant to §4006.3 of chapter 40 of this title, a license issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birthdate of the holder of the license, or other date established by the Director.

**SOURCE:** Final Rulemaking published at 35 DCR 5999, 6000 (August 5, 1988).

## 4602 EDUCATIONAL AND TRAINING REQUIREMENTS

4602.1 An applicant for a license by examination, except for an applicant educated in a foreign country in accordance with §4603, shall furnish proof satisfactory to the Board that the applicant has successfully completed the following education and training in accordance with §504(e) of the Act, D.C. Code §2-3305.4(e) (1987 Supp.), and this section:



- (a) Two (2) years of premedical studies;
- (b) Except for applicants educated in the Fifth Pathway Program in accordance with §4604, the equivalent of four (4) years of instruction and training in an accredited medical school and receipt of the degree of Doctor of Medicine or Doctor of Osteopathy; and
- (c) Two (2) years of postgraduate clinical training, except that applicants who graduated prior to January 1, 1990, shall only be required to have (1) year of postgraduate clinical training.

4602.2 An applicant's premedical studies shall meet the following requirements:

- (a) The college or university shall be accredited, at the time of the applicant's matriculation, by an accrediting body recognized by the Secretary of the United States Department of Education or the Council on Postsecondary Accreditation;
- (b) Each academic year of instruction shall extend over a minimum of thirty-two (32) weeks; and
- (c) The course of studies shall include the following subjects:
  - (1) Biology;
  - (2) Inorganic chemistry;
  - (3) Organ chemistry; and
  - (4) Physics.

4602.3 An applicant's medical education shall meet the following standards:

- (a) The school shall be legally chartered or organized in the United States, its territories, or Canada; and
- (b) The school at the time of the applicant's graduation shall be accredited by one of the following accrediting bodies:
  - (1) The Liaison Committee on Medical Education (LCME) of the American Medical Association;
  - (2) The American Osteopathic Association; or
  - (3) The Committee on the Accreditation of Canadian Medical Schools.

4602.4 An applicant's post-graduate clinical training shall be at a hospital or health care facility licensed in the United States in a program accredited by the Accreditation Council for Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA).

4602.5 An applicant shall arrange for a certified transcript of the applicant's premedical and medical education records to be sent directly from the educational institution to the Board.

**SOURCE:** Final Rulemaking published at 35 DCR 5999, 6001 (August 5, 1988).

**4603        APPLICANTS EDUCATED IN FOREIGN COUNTRIES**

- 4603.1        The Board may grant a license to practice medicine to an applicant educated in a foreign country who does as follows:
- (a) Meets all requirements of this chapter except for §§4602 and 4604; and
  - (b) Demonstrates to the satisfaction of the Board that the applicant's education and training are substantially equivalent to the requirements of this chapter and the Act in ensuring that the applicant has the proper training, experience, and qualifications to practice medicine by submitting the documentation required by this section.
- 4603.2        An applicant under this section shall furnish proof satisfactory to the Board that the applicant has successfully received the equivalent of two (2) academic years of instruction at the postsecondary level including courses in the following subjects:
- (a) Biology;
  - (b) Inorganic chemistry;
  - (c) Organic chemistry; and
  - (d) Physics.
- 4603.3        An applicant under this section shall furnish proof satisfactory to the Board that the applicant has successfully completed all educational and training requirements to practice medicine in the foreign country in which the medical education was undertaken.
- 4603.4        An applicant under this section shall possess a valid standard certificate from the Educational Commission for Foreign Medical Graduates (ECFMG).
- 4603.5        An applicant under this section shall complete three (3) years of postgraduate clinical training in a program that meets the requirements of §4602.4.
- 4603.6        An applicant under this section shall arrange to have certified transcripts of all medical and pre-medical education sent directly from the educational institution to the Board.
- 4603.7        The Board may waive the transcript requirement of §4603.6 on a showing of extraordinary hardship if the applicant is able to establish by substitute documentation that the applicant possesses the requisite education and degrees.
- 4603.8        If a document required by this chapter is in a language other than English, an applicant shall arrange for its translation into English by a translation service acceptable to the Board and shall submit a notarized translation signed by the translator attesting to its accuracy.



**SOURCE:** Final Rulemaking published at 35 DCR 5999, 6002 (August 5, 1988).

**4604 APPLICANTS EDUCATED IN THE FIFTH PATHWAY PROGRAM**

4604.1 The Board may grant a license to practice medicine to an applicant in the Fifth Pathway Program who completed a foreign medical educational program not accredited by one of the accrediting bodies listed in §4602.3(b) if the applicant does as follows:

- (a) Meets all requirements of this chapter except for §§4602.1(b), 4602.3, and 4603; and
- (b) Demonstrates to the satisfaction of the Board that the applicant's education and training are substantially equivalent to the requirements of this chapter and the Act in ensuring that the applicant has the proper training, experience, and qualifications to practice medicine by submitting the documentation required by this section.

4604.2 An applicant under this section shall furnish proof satisfactory to the Board that the applicant meets the following requirements:

- (a) Was a resident of the United States during the period of enrollment in the foreign medical school;
- (b) Has successfully completed the didactic curriculum of a foreign medical school listed in a directory of medical schools published by the World Health Organization;
- (c) Has attained a passing grade on the Foreign Medical Graduate Examination in the Medical Sciences (FMGEMS);
- (d) Has completed one (1) year of individually supervised clinical training under the direction of a medical school accredited by the LCME at a level satisfactory to the Board; and
- (e) Possesses a valid Fifth Pathway Program certificate.

4604.3 An applicant under this section shall arrange for a transcript of the applicant's medical education record to be sent directly from the educational institution to the Board.

4604.4 If a document required by this chapter is in a language other than English, an applicant shall arrange for its translation into English by a translation service acceptable to the Board and shall submit a notarized translation signed by the translator attesting to its accuracy.

**SOURCE:** Final Rulemaking published at 35 DCR 5999, 6003 (August 5, 1988).

**4605 NATIONAL EXAMINATION**

4605.1 To qualify for a license by examination, an applicant shall receive a passing score on the Federation Licensing Examination (FLEX) administered by the Federation of State Medical Boards of the United States (FSMB).

- 4605.2 The applicant who took the FLEX prior to January 1, 1985, shall have attained a passing score of a FLEX weighted average score of seventy-five (75) or higher at a single sitting.
- 4605.3 An applicant taking the FLEX on or after January 1, 1985, shall take both components of the FLEX at a single sitting if the applicant is taking the examination for the first time. Thereafter, an applicant who has not passed the FLEX may take one (1) or both components of the FLEX at subsequent sittings.
- 4605.4 An applicant taking the FLEX on or after January 1, 1985, shall have attained a passing score of a FLEX seventy-five (75) or higher on both components of the examination.
- 4605.5 An applicant who has not attained a passing score described in §4605.2 or §4605.4 on both components of the FLEX examination after three (3) attempts shall complete one (1) additional year of postgraduate clinical training that meets the requirement of §4602.4 before being eligible to take the examination again.
- 4605.6 An applicant who has not attained a passing score described in §4605.2 or §4605.4 on both components of the FLEX examination after six (6) attempts shall not be eligible for a license in the District by examination or other means.
- 4605.7 For purposes of §§4605.5 and 4605.6, the term "an attempt" means each time an applicant sits for the FLEX examination, regardless of how many components the applicant takes.
- 4605.8 An applicant who is relying on the FLEX examination administered in another jurisdiction as a qualifying examination shall receive under sitting requirements identical to applicants taking the examination in the District a passing score of the following:
- (a) A FLEX weighted average of seventy-five (75) if the examination was taken prior to January 1, 1985; or
  - (b) A FLEX seventy-five (75) on both components of the examination if the examination was taken after January 1, 1985.

**SOURCE:** Final Rulemaking published at 35 DCR 5999, 6004 (August 5, 1988).

**4606 CONTINUING EDUCATION REQUIREMENTS FOR NONPRACTICING PHYSICIANS**

- 4606.1 This section shall apply to the renewal of a license, the reactivation of the license of a physician in inactive status, or reinstatement of an expired license of an applicant who is not actively practicing medicine.
- 4606.2 For purposes of this section, subject to the Board's discretion, a physician whose practice does not meet the requirements of §4606.3 shall not be considered to be actively practicing medicine.
- 4606.3 For purposes of this section, a physician is actively practicing medicine, if in each calendar year, the physician meets the following requirements:



- (a) Maintains a practice of one thousand (1,000) patient-visits per year;
- (b) Is employed full-time in medical teaching, research, or administration; or
- (c) Is employed part-time in medical teaching, research, or administration and maintains a practice of five hundred (500) patient-visits per year.

4606.4 An applicant for renewal, reactivation, or reinstatement of a license who has not been actively practicing medicine for a period of one (1) to five (5) years shall submit proof pursuant to §4606.7 that the applicant has completed acceptable continuing medical education for each year after December 31, 1988, that the applicant has not been actively practicing medicine as follows:

- (a) Twenty-five (25) hours of credit in continuing medical education meeting the requirements of Category 1;
- (b) Twenty-five (25) hours of credit in continuing medical education meeting the requirements of either Category 1 or Category 2.

4606.5 An applicant for reactivation of an inactive license who has not been actively practicing medicine for five (5) or more years after December 31, 1988, shall submit proof pursuant to §4606.7 that the applicant has completed, during a two-year (2) period immediately preceding the date of application, acceptable continuing medical education as follows:

- (a) One (1) year of clinical training in a program accredited by the ACGME or the AOA; or
- (b) The following:
  - (1) One hundred fifty (150) hours of credit in continuing medical education meeting the requirements of Category 1; and
  - (2) One hundred fifty (150) hours of credit in continuing medical education meeting the requirements of either Category 1 or Category 2.

4606.6 After December 31, 1990, a physician whose license has expired for five (5) or more years shall meet the requirements for obtaining an initial license under this chapter and the Act.

4606.7 An applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information:

- (a) For claims for Category 1 credit:
  - (1) The name of the program, its location, a description of the subject matter covered;
  - (2) The dates on which the applicant attended the program;
  - (3) The hours of credit claimed; and

- (4) Verification by the sponsor of completion, by signature or stamp.
- (b) For claims for Category 2 credit:
  - (1) A description of the program or activity;
  - (2) The dates on which the applicant attended the program or activity;
  - (3) The location of the program or activity;
  - (4) The hours of credit claimed; and
  - (5) Verification by the applicant of attendance.

**SOURCE:** Final Rulemaking published at 35 DCR 5999, 6005 (August 5, 1988).

**4607 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES**

- 4607.1 The Board may, in its discretion, approve continuing education programs and activities that contribute to the knowledge, skills, and professional performance and relationships that a physician uses to provide services to patients, the public or the profession and which meet the other requirements of this section.
- 4607.2 To be acceptable for credit, a continuing medical education program or activity shall be limited in content to that body of knowledge and skills generally recognized and accepted by the medical profession as within the basic medical sciences, the discipline of clinical medicine, or the provision of health care to the public.
- 4607.3 The Board may approve continuing education programs and activities for Category 1 credit which meets the following requirements:
  - (a) Meet the requirements of §§4607.1 and 4607.2;
  - (b) Are sponsored or co-sponsored by:
    - (1) The Accreditation Council for Continuing Medical Education (ACCME);  
or
    - (2) A state medical society; and
  - (c) Are designated as American Medical Association Physician's Recognition Award (AMA/PRA) Category 1 programs by the sponsoring organization.
- 4607.4 The Board may approve continuing medical programs and activities for Category 2 credit which meets the following requirements:
  - (a) Meet the requirements of §§4607.1 and 4607.2;
  - (b) Consist of one (1) of the following activities:
    - (1) Grand rounds;



- (2) Teaching rounds;
  - (3) Seminar;
  - (4) Lecture;
  - (5) Medical teaching;
  - (6) Patient care review;
  - (7) Publication or presentation of an article related to medicine;
  - (8) Mini-residency;
  - (9) Workshop;
  - (10) Course of instruction; or
  - (11) Reading medical literature; and
- (c) Are prepared, sponsored, or administered by:
- (1) The ACCME;
  - (2) A state medical society;
  - (3) A governmental unit;
  - (4) A licensed hospital;
  - (5) An institution of higher learning recognized by an accrediting body approved by the United States Secretary of the Department of Education; or
  - (6) A journal published primarily for readership by physicians.

**SOURCE:** Final Rulemaking published at 35 DCR 5999, 6007 (August 5, 1988).

**4608 - 4609 [RESERVED]**

**4610 LICENSE BY WAIVER OF NATIONAL EXAMINATION**

**4610.1** The Board shall waive the requirement of §4605.1 for an applicant who meets the following requirements:

- (a) Is a diplomate of the National Board of Medical Examiners;

- (b) Is a diplomate of the National Board of Osteopathic Medical Examiners;
- (c) Has passed the examination of the Licentiate of the Medical Council of Canada;  
or
- (d) Holds a current license to practice medicine in good standing in a jurisdiction of the United States with requirements which are substantially equivalent to the requirements of the Act and this chapter after passing, prior to June 30, 1979, an examination constructed by the jurisdiction.

**SOURCE:** Final Rulemaking published at 35 DCR 5999, 6009 (August 5, 1988).

**4611 PRE-LICENSURE PRACTICE BY STUDENTS AND POSTGRADUATE PHYSICIANS**

- 4611.1 A student who is enrolled in a legally chartered medical school in the District which is accredited by the LCME may participate in patient care activities under the supervision of a licensed physician who is appointed to the faculty of the medical school.
- 4611.2 A student shall not administer, prescribe, or dispense controlled substances.
- 4611.3 A student's clinical supervisor shall evaluate the student's performance in writing after completion of each speciality or subspecialty rotation. An evaluation shall be kept on file at the student's medical school and is subject to inspection by the Board.
- 4611.4 A postgraduate physician may practice medicine in a clinical training program approved by the ACGME if the graduate meets the following requirements:
- (a) Has graduated from a medical school which meets the requirements of §4602.3;
  - (b) Has graduated from a foreign medical school and holds a standard ECFMG certificate; or
  - (c) Has satisfied the requirements of §4604.2.
- 4611.5 Prior to beginning the practice of medicine, a postgraduate physician shall have a written agreement with the institution sponsoring the clinical training program describing the terms and conditions of the postgraduate physician's employment or participation in the program, which shall be kept on file at the sponsoring institution.
- 4611.6 A postgraduate physician shall be supervised by a licensed physician who meets the following requirements:
- (a) Is a member of the medical staff of the institution, agency, or organization that sponsors the clinical training program; and
  - (b) Is appointed to the teaching staff of the clinical training program.
- 4611.7 A postgraduate physician may practice pursuant to this section for a maximum of four (4) years in a postgraduate clinical training program if the postgraduate physician has



a valid agreement with the institution, organization, or agency sponsoring the clinical training program.

4611.8 A student or a postgraduate physician shall identify himself or herself as such at all times when practicing medicine.

4611.9 A student or postgraduate physician shall comply with the standards of conduct for a licensed physician set forth in §4612.

4611.10 A student or postgraduate physician may be disciplined for conduct that violates the Act or this chapter. The Board may deny an applicant a license, or take other disciplinary action against, a student or postgraduate physician who is found to have violated the Act or this chapter, in accordance with chapter 41 of this title.

4611.11 If the Board finds that a student or postgraduate physician has violated the Act or this chapter, the Board may, in addition to any other disciplinary action permitted by the Act, revoke, suspend, or restrict the privilege of the student or postgraduate physician to practice.

4611.12 For purposes of this section, "postgraduate physician" means a person who holds a degree in medicine or osteopathy who is enrolled in a postgraduate clinical training program prior to licensure in any jurisdiction in the United States.

**SOURCE:** Final Rulemaking published at 35 DCR 5999, 6009 (August 5, 1988).

## **4612 STANDARDS OF CONDUCT**

4612.1 A licensed physician shall maintain a record for each patient which accurately reflects the evaluation and treatment of the patient.

4612.2 Subject to §§4612.3 and 4612.4, upon request of a patient or the patient's representative, a licensed physician shall make available to the patient or the patient's representative a copy of the patient's record. A licensed physician, with the patient's consent, may make available a summary report of the patient's record in place of a copy of the record.

4612.3 If a patient's record contains mental health information, as defined by §101(11) of the District of Columbia Mental Health Information Act of 1978, D.C. Code §6-2001(11), a licensed physician shall comply with the requirements of the Act in making a patient's records available to a patient or the patient's representative.

4612.4 A licensed physician shall not make available to a parent, guardian, or representative of a minor child a record of a minor child the disclosure of which without the child's consent is prohibited by law.

4612.5 A licensed physician shall not accept or perform professional responsibilities which the licensed physician is not competent to perform.

4612.6 A licensed physician shall not abandon a patient whose care a licensed physician has undertaken without giving notice to the patient far enough in advance of the discontinuation to allow the patient time to secure appropriate substitute care.

4612.7 A licensed physician shall not wilfully or carelessly disregard the health, welfare, or safety of a patient.

4612.8 A licensed physician shall conform to the prevailing standards of acceptable medical practice.

**SOURCE:** Final Rulemaking published at 35 DCR 5999, 6011 (August 5, 1988).

#### **4699 DEFINITIONS**

4699.1 As used in this chapter, the following terms shall have the meanings ascribed:

**Applicant** - a person applying for a license to practice medicine under this chapter.

**Board** - the Board of Medicine, established by §203(a) of the Act, D.C. Code §2-3302.3 (1987 Supp.).

**Licensed physician** - a physician licensed under the Act.

**Physician** - a person holding a degree in medicine or osteopathy.

**Postgraduate physician** - a person who holds a degree in medicine or osteopathy who is enrolled in a postgraduate clinical training program prior to licensure in any jurisdiction in the United States.

4699.2 The definitions in §4099 of chapter 40 of this title are incorporated by reference into and are applicable to this title.

**SOURCE:** Final Rulemaking published at 35 DCR 5999, 6012 (August 5, 1988).